

# United States District Court

WESTERN

DISTRICT OF

TEXAS JAN 10 2008

UNITED STATES OF AMERICA

V.

Omar Alberto CROSBY

(Name and Address of Defendant)

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

## CRIMINAL COMPLAINT

CASE NUMBER: 08-M-0166G

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 9, 2008, in El Paso County, in the Western District of Texas, defendant(s) did, knowingly and intentionally possess with the intent to distribute marijuana, to wit: approximately 41.12 kgs (gross weight) of marijuana, a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately 41.12 kgs (gross weight) of marijuana, a Schedule I Controlled Substance

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 952(a). I further state that I am a(n) Immigration and Customs Enforcement Special Agent and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached and made a part of this complaint: ☒ Yes ☐ No

[Signature]  
Signature of Complainant

Jose L. Perez

Printed Name of Complainant

Sworn to before me and signed in my presence,

January 10, 2008

Date

At El Paso

City

Texas

State

Norbert J. Garney

Name of Judge

Magistrate Judge

Title of Judge

[Signature]  
Signature of Judge

On January 9, 2008, at approximately 8:40 p.m., Custom and Border Protection Officers were conducting pre-primary roving operations at the Ysleta Port of Entry, El Paso, Texas, which is in the Western District of Texas. Bureau of Customs and Border Protection (CBP) Officers approached silver in color Chrysler Pacifica bearing Texas license plate 555NKG, after the narcotic detector dog alerted to the odor of a controlled substance. The vehicle was driven by Omar Alberto CROSBY, sole occupant.

CROSBY informed the primary officer that CROSBY was the owner of the vehicle and he purchased it three months ago. CROSBY stated he is a United States citizen and went to Mexico for approximately three hours to have some drinks. The secondary officer told CROSBY to turn off the vehicle and hand over the keys. The secondary officer noticed CROSBY's hand was shaking as he handed over the key to the vehicle. CROSBY declared to be a United States citizen. CROSBY had nothing to declare and also stated he was in Mexico drinking with some friends. CROSBY informed the secondary officer that CROSBY was the owner of the vehicle and has owned it for about one year. CROSBY stated he was the only person to drive the vehicle and no mechanical work has been performed on the vehicle. While the declarations were taken the Narcotics Detector Dog gave a positive alert at the vehicle's dash area. CROSBY was escorted into the head-house and the vehicle was driven by a CBP Officer into secondary for further inspection

Further inspection of the vehicle revealed 84 black plastic tape wrapped bundles concealed in the dash area. A green leafy matter extracted from a random bundle field-tested positive for marijuana. The officer conducted the field test using test kit #908. The total gross weight of the bundles was 41.12 kilograms, which is in excess of personal use amounts and indicates distribution.

At approximately 11:20 PM, Senior Special Agent (SSA) Perez advised CROSBY of his Miranda Rights in the English language. CROSBY stated that he understood his legal rights, and was willing to answer questions and make a statement without an attorney present.

In the subsequent interview CROSBY stated:

That he could not say anything because he is afraid. That he knows the vehicle is not his. In defeated manner, CROSBY stated "What ever is going to happen to him is OK" and he does not want "These people to mess with his family." When told he has to pay for his actions CROSBY stated "I know and I am sorry." CROSBY then stated "They" were watching him as he crossed the bridge.

SSA Perez informed CROSBY that CROSBY's vehicle had multiple crossings, and CROSBY stated it was the first time he has crossed that vehicle, referring to the Chrysler Pacifica.

SSA Perez informed CROSBY there was marijuana in his vehicle, and again CROSBY stated, whoever it belongs to is going to go after my family.

CROSBY later stated he had gone to a bar in Juarez, Mexico, where somebody gave him the keys to the vehicle today, in the late evening. CROSBY was offered \$250.00 for crossing the vehicle. CROSBY stated he was unemployed and needed money. CROSBY also stated he was going to be notified by radio where to drop off the vehicle in El Paso, Texas.

FP&F #2008240200056101